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Attorneys for Defendant TESLA, INC.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DAVID RASMUSSEN, an individual, on  
behalf of himself and all others similarly  
situated

Plaintiffs,

v.

TESLA, INC., a Delaware corporation.

Defendant.

Case No.: 5:19-cv-04596-BLF

**STIPULATION AND [PROPOSED] ORDER TO  
CONTINUE STAY PENDING MEDIATION**

STIPULATION AND [PROPOSED] ORDER TO CONTINUE STAY PENDING MEDIATION

CASE No.: 5:19-cv-04596-BLF

1 Plaintiff David Rasmussen (“Plaintiff”) and Defendant Tesla, Inc. (“Defendant”), through their  
2 undersigned counsel, hereby stipulate as follows:

3 WHEREAS, on August 7, 2019, Plaintiff filed Class Action Complaint;

4 WHEREAS, on February 20, pursuant to the parties’ stipulation, the Court stayed the case  
5 pending mediation until March 31, 2020, set Defendant’s deadline to respond to Plaintiff’s Class Action  
6 Complaint to April 14, 2020, and continued the Case Management Conference to May 21, 2020 (ECF  
7 No. 23);

8 WHEREAS, the parties previously scheduled a mediation for April 14, 2020, but given the  
9 current COVID-19 pandemic, they have instead agreed to a mediation on May 27, 2020 with the Hon.  
10 Daniel Weinstein and Cathy Yanni of JAMS, Inc.;

11 WHEREAS, the parties desire to preserve the status quo and prevent the parties and the Court  
12 from unnecessarily expending resources pending mediation;

13 WHEREAS, the parties have negotiated a date certain by which Tesla will produce relevant  
14 information to Plaintiffs, and will engage in further exchange of information as needed ahead of the  
15 mediation;

16 WHEREAS, the parties further agree that either party may terminate the stay upon written notice  
17 to the opposing party. In that event, Defendant’s response to Plaintiff’s Class Action Complaint shall be  
18 due 21 days thereafter, and the parties shall promptly propose a new date for the Case Management  
19 Conference;

20 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as  
21 follows: This matter shall be stayed until May 29, 2020 to facilitate the parties’ mediation. The  
22 parties shall submit a report to the Court on or before that date regarding the outcome of the  
23 mediation. Defendant’s deadline to respond to Plaintiff’s Class Action Complaint shall be  
24 June 23, 2020 and the Case Management Conference currently scheduled for May 21, 2020,  
25 shall be continued to July 9, 2020 at 11:00 a.m., or as soon thereafter as shall be convenient for  
26 the Court. If, however, either party terminates the stay, Defendant’s response to the Class Action  
27 Complaint shall be due 21 days thereafter and the parties shall promptly submit a proposed date  
28 for the Case Management Conference.

1  
2 IT IS SO STIPULATED.

3  
4 Dated: March 31, 2020

Respectfully submitted,

5  
6 By: /s/ Sean P. Gates  
Sean P. Gates  
7 CHARIS LEX P.C.  
Attorneys for Defendant  
8 TESLA, INC.

9 Dated: March 31, 2020

Respectfully submitted,

10  
11 By: /s/ Edward C. Chen  
Edward C. Chen  
12 LAW OFFICE OF EDWARD C. CHEN  
Attorneys for Plaintiff  
13 DAVID RASMUSSEN  
14

15 Dated: March 31, 2020

Respectfully submitted,

16  
17 By: /s/ Nimish R. Desai  
Nimish R. Desai  
18 LIEFF CABRASER HEIMANN &  
BERNSTEIN, LLP  
19 Attorneys for Plaintiff  
20 DAVID RASMUSSEN  
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**ECF ATTESTATION**

I, Sean Gates, am the ECF User whose ID and password are being used to file the foregoing STIPULATION AND [PROPOSED] ORDER TO CONTINUE STAY PENDING MEDIATION. In compliance with Local Rule 5-1, I hereby attest that Nimish Desai and Edward C. Chen have concurred in this filing.

Dated: March 31, 2020

By: /s/ Sean P. Gates  
Sean P. Gates  
CHARIS LEX P.C.  
Attorneys for Defendant  
TESLA, INC.

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that this matter shall be stayed until May 29, 2020 to facilitate the parties' mediation. The parties shall submit a report to the Court on or before that date regarding the outcome of the mediation. Defendant's deadline to respond to Plaintiff's Class Action Complaint shall be June 23, 2020 and the Case Management Conference currently scheduled for May 21, 2020, shall be continued to July 9, 2020 at 11:00 a.m. If, however, either party terminates the stay, Defendant's response to the Class Action Complaint shall be due 21 days thereafter and the parties shall promptly submit a proposed date for the Case Management Conference.

Dated:

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Honorable Beth L. Freeman  
Judge of the United States District Court